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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 28, 2005 - 8:00 A.M.**

Proceedings of a special/regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida.

Present were: Bruce A. Maguire, District 4, Chairman
 James E. Bryant, District 5, Vice Chairman
 Cyndi Stevenson, District 1
 Karen R. Stern, District 2
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko, County Attorney
 Isabelle Lopez, Senior Assistant County Attorney
 Robin Platt, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(06/28/05 - 1 - 8:05 a.m.)

Maguire called the special meeting to order and noted that there were only three Commissioners present at that time: Maguire, Bryant and Rich.

(06/28/05 - 1 - 8:06 a.m.)

1. CLOSED SESSION - THIS IS A SPECIAL PRIVATE ATTORNEY CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS AND ST. JOHNS COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO.: 05-1787 GM. THE OWNERS OF THE PROPERTY (HELOW PROPERTIES, LTD) HAVE FILED A MOTION TO INTERVENE. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM A HAS BEEN RESERVED FOR THIS MEETING

Proof of publication of a closed attorney/client meeting was received, having been published in *The St. Augustine Record* on June 10, 2005.

Dan Bosanko, County Attorney, advised the Board that he needed advice concerning a lawsuit between the Florida Department of Community Affairs and the Board of County Commissioners of St. Johns County, Florida, Case No. 05-1787GM. (8:06 a.m.) Maguire announced the names of the attendees: Bruce A. Maguire, James E. Bryant, Karen R. Stern, Ben Rich, Cyndi Stevenson, Ben W. Adams, Jr., Daniel J. Bosanko, Esquire, Isabelle C. Lopez, Special Counsel, and Cathy Upchurch, Court Reporter. Stern and Stevenson entered the closed meeting. (8:44 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to adjourn the special meeting.**

(06/28/05 - 1 - 9:05 a.m.)

Maguire called the regular meeting to order.

(06/28/05 - 2 - 9:06 a.m.)

ROLL CALL

Maguire stated that all five Commissioners were present.

(06/28/05 - 2 - 9:06 a.m.)

INVOCATION AND PLEDGE OF ALLEGIANCE

Stevenson gave the invocation and Stern led the Pledge of Allegiance.

(06/28/05 - 2 - 9:07 a.m.)

SPECIAL RECOGNITION OF RICK TALLMAN BY MR. BEN W. ADAMS, JR.

Ben Adams, County Administrator, honored Rick Tallman, Veterans Service Administrator, with a certificate of recognition, as he was retiring. Tallman thanked the members of the Commission for their outstanding support.

(06/28/05 - 2 - 9:16 a.m.)

PROCLAMATION RECOGNIZING JUNE 2005 AS FLORIDA RIVERS MONTH

Stevenson added the presentation of a proclamation recognizing Florida Rivers Month. Jimmy Orth, St. Johns Riverkeeper, thanked the Board for recognizing the importance of the St. Johns River and spoke on the American Heritage designation of the river. (9:21 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to accept the proclamation.**

(06/28/05 - 2 - 9:22 a.m.)

PUBLIC COMMENT

Ben Williams, 1096 Oak Vale Rd., Fruit Cove, stated his support for economic growth and questioned the expansion of the proposed Business Incentive Ordinance (Item No. 7). Rich supported Williams' comments.

(9:28 a.m.) Guy Thompson, 1508 Lake Breeze Ct., Orange Park, representing Sea Board Waste Systems, gave an update on their garbage collection service, specifically addressing service complaints. Stern and Stevenson commented on the service related issues.

(06/28/05 - 2 - 9:32 a.m.)

DELETIONS TO CONSENT AGENDA

Bosanko requested that Item Nos. 13 and 14 be moved to the Regular Agenda as Item Nos. 23 and 24, respectively.

(06/28/05 - 2 - 9:33 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Bryant, seconded by Stern, carried 5/0, to approve the Consent Agenda, as amended.

1. Approval of the Cash Requirement Report
2. Minutes:
06/06/05 - BCC Special Meeting

3. Sheriff's Office Bonds:
 Approve: Ashlee Reinhardt

 Cancel: Jane Keyser Kenneth Wright Bruce Shugart
 Duane Reyelts Joseph Bennett, Sr.
4. Motion to adopt **Resolution No. 2005-161**, declaring certain County owned property, located on US 1 North just north of Pine Island Road, as surplus; and approving a private sale to an adjoining property owner, pursuant to the provisions set forth in Section 125.35(2), Florida Statutes

RESOLUTION NO. 2005-161

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO AN ADJOINING PROPERTY OWNER, PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES. BECAUSE OF THE SIZE, SHAPE, LOCATION AND VALUE, THE PARCEL IS OF USE ONLY TO THE ADJOINING PROPERTY OWNER

5. Motion to adopt **Resolution No. 2005-162**, approving the 1st Amendment to a Lease Agreement between St. Johns County and St. Augustine Beach, Florida, for a portion of Pier Park; and authorizing the County Administrator to execute the 1st Amendment to Lease Agreement on behalf of the County

RESOLUTION NO. 2005-162

A RESOLUTION APPROVING THE 1ST AMENDMENT TO LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND ST. AUGUSTINE BEACH, FLORIDA, FOR A PORTION OF PIER PARK, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 1ST AMENDMENT TO LEASE AGREEMENT ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2005-163**, approving an exchange of real property, pursuant to Section 125.37, Florida Statutes, to allow for the relocation of an existing BellSouth Easement

Proof of publication of the exchange of real property was received, having been published in *The St. Augustine Record* on June 14 and 21, 2005.

RESOLUTION NO. 2005-163

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY, PURSUANT TO SECTION 125.37, FLORIDA STATUTES, TO ALLOW FOR THE RELOCATION OF AN EXISTING BELL SOUTH EASEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT OF EASEMENT OF BEHALF OF THE COUNTY

7. Motion to adopt **Resolution No. 2005-164**, accepting a Grant of Easement for the construction of a traffic signal and sidewalk at the southwest intersection of State Road 312 and Old Moultrie Road

RESOLUTION NO. 2005-164

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AND SIDEWALK AT THE SOUTHWEST INTERSECTION OF STATE ROAD 312 AND OLD MOULTRIE ROAD

8. Motion to adopt **Resolution No. 2005-165**, approving the terms and conditions of a Special Use Authorization for Utilization of District Lands between St. Johns County and St. Johns River Water Management District; authorizing St. Johns County to trim or remove decayed, injured or wind damaged trees upon District land that pose a hazard to drivers along the right-of-way of International Golf Parkway; and authorizing the County Administrator to execute the Special Use Authorization on behalf of the County

RESOLUTION NO. 2005-165

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A SPECIAL USE AUTHORIZATION FOR UTILIZATION OF DISTRICT LANDS BETWEEN ST. JOHNS COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AUTHORIZING ST. JOHNS COUNTY TO TRIM OR REMOVE DECAYED, INJURED OR WIND DAMAGED TREES UPON DISTRICT LAND THAT POSE A HAZARD TO DRIVERS ALONG THE RIGHT-OF-WAY OF INTERNATIONAL GOLF PARKWAY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE SPECIAL USE AUTHORIZATION ON BEHALF OF THE COUNTY

9. Motion to adopt **Resolution No. 2005-166**, authorizing the Clerk of the Courts, under Section 95.361, Florida Statutes, to file the survey map for a portion of Cowpen Branch Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way in accordance with the principles set forth in *Downing v. Bird*, 100 So.2d 57

RESOLUTION NO. 2005-166

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR A PORTION OF COWPEN BRANCH ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY IN ACCORDANCE WITH THE

**PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100
SO.2D 57**

10. Motion to adopt **Resolution No. 2005-167**, approving the terms of an Exchange Agreement for an exchange of real property, pursuant to Section 125.37, Florida Statutes, in connection with the relocation of an existing lift station located on State Road 207, and authorizing the County Administrator to execute said Exchange Agreement

Proof of publication of the exchange of real property was received, having been published in *The St. Augustine Record* on June 20 and 27, 2005.

RESOLUTION NO. 2005-167

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN EXCHANGE AGREEMENT FOR AN EXCHANGE OF REAL PROPERTY, PURSUANT TO SECTION 125.37, FLORIDA STATUTES, IN CONNECTION WITH RELOCATION OF AN EXISTING LIFT STATION LOCATED ON STATE ROAD 207 AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID EXCHANGE AGREEMENT

11. Motion to adopt **Resolution No. 2005-168**, approving a final plat for Wright Estates

RESOLUTION NO. 2005-168

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WRIGHT ESTATES

12. Motion to adopt **Resolution No. 2005-169**, approving a final plat for Monterey Estates

RESOLUTION NO. 2005-169

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MONTEREY ESTATES

13. Motion to adopt a Resolution approving a final plat for St. Johns Forest, Unit Two (*Consent Item 13 was moved to Regular Agenda as Item No. 23*)
14. Motion to adopt a Resolution approving a final plat for Ponte Vedra by the Sea Replat, Unit Two, Lot 12, Block 3 (*Consent Item 14 was moved to Regular Agenda as Item No. 24*)
15. Motion to adopt **Resolution No. 2005-170**, approving a final plat for Saint Johns Six Mile Creek West, Unit 3A

RESOLUTION NO. 2005-170

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK WEST, UNIT 3A

16. Motion to adopt **Resolution No. 2005-171**, approving a final plat for River Plantation

RESOLUTION NO. 2005-171

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR RIVER PLANTATION

17. Motion to adopt **Resolution No. 2005-172**, recognizing unanticipated revenue in the amount of \$62,330 and increasing the State Grant Expenditure Budget [1224-55305-1052-56403] of the Fire District Fund by the same amount; also recognizing unanticipated revenue in the amount of \$107,046 and increasing the State Grant Expenditure Budget line (0048-55305-1052-55200) of the EMS Budget by the same amount; and motion to transfer \$28,950 from General Fund Reserves (0083-59920) to Emergency Medical Services Operating Supplies (0048-55200) for the purchase of the new billing software package

RESOLUTION NO. 2005-172

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2005 FIRE DISTRICT AND EMS BUDGETS TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE AND EMS DEPARTMENTS

18. Motion to adopt **Resolution No. 2005-173**, suspending Rule 4.101 of the Board's Rules/Procedures on August 17 and 18, 2005, for the purpose of allowing the Board to hold a special meeting and public hearing at Our Lady Star of the Sea Cultural Center in Ponte Vedra Beach, Florida, empowering the Board to take action at the special meeting and public hearing to consider an Agreement to Purchase Water and Wastewater Assets from St. Johns Service Company, Inc., as required by Section 125.3401, Florida Statutes

RESOLUTION NO. 2005-173

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUSPENDING RULE 4.101 OF THE RULES/POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF ALLOWING THE BOARD TO TAKE ACTION AT A SPECIAL MEETING AND PUBLIC HEARING TO BE HELD ON AUGUST 17 AND 18, 2005, AT THE OUR LADY STAR OF THE SEA CULTURAL CENTER, 545 A1A NORTH, PONTE VEDRA BEACH, FL, 32082

19. Motion to declare CV146 water truck surplus and donate it to the Flagler Estates Road and Water Control District
20. Motion to adopt **Resolution No. 2005-174**, approving the terms, provisions, conditions, and requirements of a Memorandum of Understanding between St. Johns County, Florida, and World Commerce Center, LP, concerning certain aspects of the World Commerce Center Development of Regional Impact, and authorizing the County Administrator to execute the Memorandum of Understanding on behalf of St. Johns County

RESOLUTION NO. 2005-174

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, AND WORLD COMMERCE CENTER, LP, CONCERNING CERTAIN ASPECTS OF THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF ST. JOHNS COUNTY

21. Motion to adopt **Resolution No. 2005-175**, accepting the terms of a contract between the Florida Department of Children and Families and St. Johns County, and authorizing the County Administrator to execute the contract on behalf of St. Johns County

RESOLUTION NO. 2005-175

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF A CONTRACT BETWEEN THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF ST. JOHNS COUNTY

22. Proofs:
 - a. Proof, Notice to Bidders, ITB No. 05-79
 - b. Proof, Notice to Bidders, Bid No. 05-96
 - c. Proof, Notice to Bidders, Bid No. 05-99
 - d. Proof, Notice to Bidders, Bid No. 05-102
 - e. Proof, Notice to Bidders, Bid No. 05-104
 - f. Proof, Notice to Bidders, Bid No. 05-106
 - g. Proof, Notice to Bidders, Bid No. 05-108
 - h. Proof, Notice to Bidders, Bid No. 05-109
 - i. Proof, Notice to Bidders, Bid No. 05-110
 - j. Proof, Notice of Town Meeting, District 1, Tuesday, May 17, 2005 from 6:30 p.m. to 8:30 p.m.
 - k. Proof, Notice of Public Disclosure for St. Johns County, Full Cost Accounting for Solid Waste Management Services

- l. Proof, Notice of Meeting, Proposed Exchange of County Property, Wednesday, June 1, 2005 at 9:00 a.m.
- m. Proof, Notice of Meeting, Special Meeting of the Board of County Commissioners, Summer Haven, Monday, June 6, 2005 at 9:00 a.m.
- n. Proof, Notice of Cancelled Meeting, Water & Sewer Authority, Tuesday, June 14, 2005 at 9:00 a.m.
- o. Proof, Notice of Hearing, Petition to Vacate portions of certain streets, alleyways or roads, Surfside, Wednesday, May 18, 2005 at 9:00 a.m.
- p. Proof, Notice of Town Meeting, District 1, Tuesday, May 17, 2005 from 6:30 p.m. to 8:30 p.m.
- q. Proof, Notice of Public Hearings, St. Johns County Board of County Commissioners, establishment of ordinance/regulations affecting the use of land, Wednesday, February 23, 2005 at 5:30 p.m. and Wednesday, March 9, 2005 at 9:00 a.m.
- r. Proof, Notice of Adoption, St. Johns County Board of County Commissioners, Adopted Resolution Vacating, Abandoning, Discontinuing and Closing Certain Streets, Alleyways, Roads or Easements, Part of Francis Road
- s. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
- t. Proof, Certificate of Liability Insurance, AlphaStaff Group, Inc.
- u. Proof, Certificate of Liability Insurance, Advanced Disposal Services Jacksonville
- v. Proof, Certificate of Liability Insurance, Econosweep, Inc.
- w. Proof, Certificate of Liability Insurance, Chesser Island Road Landfill, Inc.
- x. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
- y. Proof, Certificate of Liability Insurance, AlphaStaff Group, Inc.
- z. Proof, Certificate of Liability Insurance, AWA Contracting Co., Inc.
- aa. Proof, Certificate of Liability Insurance, AWA Contracting, Inc.
- bb. Proof, Certificate of Liability Insurance, Woolpert, Inc.
- cc. Proof, Certificate of Liability Insurance, APAC-Southeast, Inc.
- dd. Proof, Certificate of Liability Insurance, Econosweep, Inc.
- ee. Proof, Certificate of Liability Insurance, Enrique Estrada
- ff. Proof, Certificate of Liability Insurance, Lighting Master Corp.
- gg. Proof, Certificate of Liability Insurance, Crum Resources II, Inc.
- hh. Proof, Certificate of Liability Insurance, Enrique Estrada
- ii. Proof, Certificate of Liability Insurance, Oasis Outsourcing, Inc., Alt. Emp.
- jj. Proof, Certificate of Liability Insurance, Oasis Outsourcing, Inc., Alt. Emp.
- kk. Proof, Certificate of Liability Insurance, Arwood, Inc.
- ll. Proof, Certificate of Liability Insurance, South East Personnel Leasing, Inc.
- mm. Proof, Certificate of Liability Insurance, Sims Trucking Inc.
- nn. Proof, Certificate of Liability Insurance, URS Corporation

(06/28/05 – 8 – 9:33 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire announced that Item No. 6 was time certain for 10:30 a.m.; Items 19 and 20 were time certain for 1:30 p.m.; that he would be leaving around 2:00 p.m.; and that Items 13 and 14 would be heard before Items 10, 11 and 12.

Adams requested that Item No. 17 be pulled, and rescheduled for the July 12, 2005, meeting.

(06/28/05 – 9 – 9:35 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Stern, seconded by Stevenson, carried 5/0, to approve the Regular Agenda, as amended. Bosanko stated that Isabelle Lopez would be presenting a special land use case motion at the end of the day, which would need to be added to the agenda. **Motion by Bryant, seconded by Stern, carried 5/0, to readdress the Regular Agenda.** Maguire added the Helow Properties item as Item No. 25. **Motion by Bryant, seconded by Stern, carried 5/0, to approve the Regular Agenda, as amended, again.**

(06/28/05 – 9 – 9:37 a.m.)

1. CLERK OF THE COURT BUDGET PRESENTATION

Doug Timms, Director of the Office of Management and Budget, introduced this item.

Cheryl Strickland, Clerk of Courts, presented the details of her proposed budget. She requested \$1.3 million for the finance budget, an 8% increase, and one new position in finance. The County related budget would remain the same at \$118,000. She predicted that she would have over \$1 million in turn-back monies this year. She explained that revenues from court facility fees came in below projections. She also reviewed changes to a “glitch” bill that was passed that allowed counties, by local ordinance, to add a \$15 surcharge on non-criminal and criminal traffic fines for two years, and impose an \$85 surcharge on felonies and misdemeanors. (9:42 a.m.) Strickland offered a suggested motion to authorize her to begin actions to impose the new fines: **Motion to authorize the County Attorney’s office to work with the Clerk of Courts to establish two new ordinances, under Article V legislation, for the implementation of the \$15 and \$85 surcharges.** Stern made the motion as stated by Strickland, seconded by Rich, carried 5/0.

(9:43 a.m.) Strickland also addressed the Teen Court program, stating that under the “glitch” bill a \$3 surcharge could be charged to fund that program. Strickland offered a suggested motion to authorize her to begin actions to impose the \$3 surcharge: **Motion to authorize the County Attorney to work with the Clerk of Courts to revise the ordinance and set a public hearing.** Stern made the motion as stated by Strickland, seconded by Rich, carried 5/0.

(9:46 a.m.) Strickland commented that if the Courts took over the County Administration Building, she would like to have some space for the expansion of her offices: Also, that if a new County Auditorium were constructed that space be made available for the Minutes and Records Division. Discussion ensued regarding the State Attorney’s request for space for the newly created Homicide Investigation Team and record storage.

(06/28/05 – 9 – 9:49 a.m.)

2. PRESENTATION ON ACTIVITIES AT THE WORLD GOLF VILLAGE AND THE HALL OF FAME

Jack Peters, Senior Vice-President of the World Golf Village Hall of Fame, gave a status report on the Hall of Fame, improvements to the resort’s operations and real estate growth at the World Golf Village, via a PowerPoint presentation and video.

(06/28/05 - 10 - 10:06 a.m.)

3. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH WASTE MANAGEMENT, INC.

Michael Hunt, Deputy County Attorney, entered the meeting.

Joe Burch, Purchasing Manager, explained that this item was regarding the operation of the County owned transfer stations, and the transportation and disposal of solid waste at a landfill. He stated that there were still unresolved issues that the Board needed to consider, including: whether or not to transport waste to the Trail Ridge Landfill in Jacksonville; who and how long to contract with, the City of Jacksonville or Waste Management, Inc.; and deciding on a rate.

(10:09 a.m.) Chris Pearson, 444 E. Duval St., Operations Manager for the City of Jacksonville Solid Waste Division, addressed the life expectancy and size of the Trail Ridge Landfill. Dan Bosanko, County Attorney, pointed out that there had been some nonsubstantial changes to the contract, as well as two other changes that were not in the agenda packet. Hunt addressed the two additional changes: In Section 1.5.29, Preservation of Audit - Consequences, a sentence was added that stated that the County reserved the right to adopt changes unilaterally, based on the recommendations of an audit, as long as the County paid for the audit; and the second change created a section entitled Substitution of Parties, which Hunt read.

(10:13 a.m.) Bryant stated that he would like to continue working with Waste Management to have the county's solid waste transferred to Jacksonville. Discussion ensued on the volume of waste that would be generated by the growth of the county, the per ton disposal rate, and the proposed changes to the contract that Hunt presented.

(10:19 a.m.) Paul Harden, 1301 Riverplace Blvd., Jacksonville, attorney for Waste Management, agreed to the proposed changes.

(10:20 a.m.) Bosanko clarified that the contract presented only included a provision of the solid waste being sent to Jacksonville for a period of 11 months. After that time Waste Management had proposed in their bid an alternate site in Georgia. Any changes at this point to require Waste Management to use the Jacksonville site exclusively would have to be agreed upon by Waste Management, otherwise, the contract would have to be rebid. Discussion ensued on the advertised RFP, the current per ton rate of \$21.87, and maintenance of the system.

(10:25 a.m.) Maguire explained that he wanted to maintain the relationship they had worked to establish with Jacksonville. He stated that the cost projection for the project was \$80 million over the ten-year span of the contract. He stated that he would like to see Waste Management negotiate a contract with the City of Jacksonville for Trail Ridge, at a cost of \$35.40. He would also be agreeable to using Cheshire Island after the midpoint of the contract. He spoke to the time and costs involved in transporting to Cheshire Island, as it was farther away, and the diesel fuel price adjustment.

(10:29 a.m.) Bryant addressed a landfill that had been recently closed in Jacksonville and the related shortfall. Pearson commented and discussion ensued on interlocal agreements, the requirements and legalities involved in rebidding the contract and the possibility of having a three party agreement. Stern questioned the expiration date of the current contract with Seaboard; Hunt and Bosanko responded.

(10:45 a.m.) Maguire stated for the record that he could not support the contract as he felt that it was wrong for the County; discussion ensued.

(10:49 a.m.) **Motion by Rich, seconded by Stern, to authorize the County Administrator, or his designee, to enter into a ten-year agreement with Waste Management, Inc., in accordance with the provisions of RFP 05-84, including the major changes as outlined in the agenda item, to include Section 1.5.29, Preservation of Audit, and Substitution of Parties section later to be assigned.** Discussion ensued on the disposal location. (10:52 a.m.) **The motion carried 4/1, with Maguire opposed.**

The meeting recessed at 10:52 a.m. and resumed at 11:02 a.m., with Item No. 6 and with Strickland no longer in attendance.

(06/28/05 - 11 - 11:13 a.m.)

4. DISCUSSION OF THE LEGISLATIVE PRIORITIES FOR THE 2006 STATE LEGISLATIVE AND CONGRESSIONAL SESSIONS

Karen Johnson, Intergovernmental Relations Specialist, explained that the legislative priorities list had been compiled and would need to be approved by the Board. She stated that the last item on the list had been planned for and funded by the DOT, and therefore could be removed from the list.

(11:14 a.m.) Maguire stated his priorities: the first being farmland protection, followed by, eliminating failing septic tanks, modifying water treatments to reverse osmosis, affordable housing, widening Micklers Road from CR 210 to the bridge, the Deep Creek drainage project, and Guana parking.

(11:15 a.m.) Stern stated her priorities: farmland protection and the IFAS agricultural research center in Hastings, then, state funding for libraries, eliminating failing septic tanks, modifying water treatments to reverse osmosis, affordable housing, and support for community based health and human service needs.

(11:20 a.m.) Ted Zebrowsky, Assistant County Administrator, addressed putting together a legislative action plan.

(11:21 a.m.) Stevenson listed her preferred priorities: transportation funding for 9B, stormwater drainage, beach access and off-beach parking.

(11:23 a.m.) Bryant asked for clarification on the funding for the traffic signal at Micklers by the DOT. Joe Stephenson, Public Works Director, responded that it was funded.

(11:24 a.m.) Marcy Silkenbacken, 1145 Neck Rd., addressed an Attorney General's opinion regarding the authority of municipalities to deal with private utility purchases within that municipality; discussion followed.

(11:29 a.m.) Maguire suggested that each Commissioner submit his or her priority list to Ted Zebrowsky. Discussion followed regarding also adopting a legislative agenda and beach access and parking.

(11:35 a.m.) Silkenbacken requested that the Micklers Road four-laning project be removed from the list.

Maguire stated that Item Nos. 8 and 9 would be heard next.

(06/28/05 - 12 - 5:37 p.m.)

5. CONSIDERATION OF THE ORGANIZATION STRUCTURE IN THE BOARD OF COUNTY COMMISSION OFFICE

Motion by Bryant, seconded by Stern, carried 4/0 with Maguire absent, to continue this agenda item to the next meeting.

(11:03 a.m.) Maguire recognized that Dan Davis, Jacksonville City Councilman, and Barbara Ellis, City of St. Augustine Beach Commissioner, were present.

(06/28/05 - 12- 11:03 a.m.)

6. CONSIDER MOTION TO APPROVE EXPANDING THE SCOPE OF SERVICES OF THE EXISTING FINANCIAL ADVISOR CONTRACT WITH PFM FOR THEIR PROPOSAL DATED JUNE 6, 2005, AND THE TRANSFER OF \$161,564 FROM THE GENERAL FUND RESERVE (0001-0083-59920) TO (0001-0006-53150)

Doug Timms, Director of the Office of Management and Budget, presented the details of this item relating to a five-year strategic plan. The plan would require additional financial services by Public Financial Management, with additional costs.

(11:07 a.m.) David Miller, Public Financial Management, Orlando, was present for questions and commented on the benefits of having such a plan. Discussion ensued on the RFQ for financial services.

(11:11 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to approve expanding the scope of services of the existing financial advisor contract with PFM for their proposal dated June 6, 2005 and the transfer of \$161,564 from the General Fund Reserve (0001-0083-59920) to (0001-0006-53150).**

Maguire moved the meeting to Item No. 4 and clarified that Item Nos. 13 and 14 would be heard before Item No. 10.

(06/28/05 - 12 - 12:11 p.m.)

7. CONSIDER MOTION TO ENACT A NEW ST. JOHNS COUNTY BUSINESS INCENTIVE ORDINANCE REPLACING THE EXISTING ORDINANCE AND AMENDMENT

Proof of publication of the notice of public hearing on the Business Incentive Ordinance was received, having been published in *The St. Augustine Record* on June 14, 2005.

Karen Johnson, Intergovernmental Relations Specialist, presented a PowerPoint presentation to illustrate the proposed changes to the ordinance. She explained the current and proposed point and scoring systems.

(12:20 p.m.) Michael Hunt, Deputy County Attorney, explained that the proposed ordinance would replace the current business incentive ordinance, and he highlighted some of the changes. Stevenson questioned how the tax incentives and impact fee grants were handled and Johnson explained. Maguire addressed the procedure for making motions to approve incentive packages.

(12:28 p.m.) Ed Paucek, 970 Irma Way, speaking on behalf of the Builders Council, stated that they passed a motion to begin litigation against the Board of County Commissioners regarding the impact fee ordinance.

(12:31 p.m.) Rich stated that this ordinance is equal to corporate welfare and he read an article, titled *Risky Business*, from the April 10, 2005 edition of *The St. Petersburg Times*.

(12:40 p.m.) **Motion by Bryant, seconded by Stern, to enact Ordinance 2005-56, which replaces Ordinance 2002-47, and the amendment Ordinance 2003-45.**

(12:40 p.m.) Stern stressed how important this ordinance was to the economy of the county. Discussion ensued on the wage criteria being changed from just an average, to include more detail. (12:49 p.m.) **The motion carried 3/2, with Rich and Stevenson opposed.**

ORDINANCE NO. 2005-56

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPLACING THE EXISTING ORDINANCE NUMBER 2002-47, AS PREVIOUSLY AMENDED BY ORDINANCE NUMBER 2003-45; MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; APPROVING AND ADOPTING A ST. JOHNS COUNTY TARGET INDUSTRY STUDY; ADOPTING AND IMPLEMENTING A ST. JOHNS COUNTY BUSINESS INCENTIVE PROGRAM THAT (1) IDENTIFIES OR TARGETS CERTAIN BUSINESSES AND INDUSTRIES WHOSE CREATION OR EXPANSION WITHIN THE COUNTY, OR RELOCATIONS TO THE COUNTY, WILL STIMULATE THE COUNTY'S ECONOMY AND PROVIDE ENHANCED EMPLOYMENT OPPORTUNITIES FOR THE COUNTY'S CITIZENS AND (2) ESTABLISHES CRITERIA FOR THE BOARD'S GUIDANCE IN MAKING ECONOMIC DEVELOPMENT GRANTS TO SELECTED TARGETED BUSINESSES AND INDUSTRIES; CREATING PUBLIC ECONOMIC DEVELOPMENT AGENCY AND PROVING THAT CERTAIN RECORDS OF THE AGENCY ARE CONFIDENTIAL AS REQUIRED BY FLORIDA STATUTE 288.075; APPROVING AN APPLICATION FORM TO BE USED BY THE MANAGEMENT OF TARGETED BUSINESSES AND INDUSTRIES TO APPLY FOR ECONOMIC DEVELOPMENT GRANTS FROM THE COUNTY; AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO PROVIDE ECONOMIC DEVELOPMENT GRANTS TO SELECTED TARGETED BUSINESSES AND INDUSTRIES; PROVIDING PROCEDURES; REQUIRING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY AND A SELECTED TARGETED BUSINESS OR INDUSTRY AS A CONDITION FOR THE GRANT; ALLOWING COUNTY STAFF TO EXPEDITE THE COUNTY'S PERMITTING AND DEVELOPMENT ORDER PROCESS FOR PROJECTS THAT RECEIVE COUNTY ECONOMIC DEVELOPMENT GRANTS; DECLARING THAT THE COUNTY'S BUSINESS INCENTIVE PROGRAM DOES NOT CREATE ANY ENTITLEMENTS TO GRANTS; ESTABLISHING OTHER GRANT PARAMETERS; AND PROVIDING AN EFFECTIVE DATE

(06/28/05 - 14 - 11:42 a.m.)

8. DISCUSSION OF A PROPOSED DRAFT OF AN AFFORDABLE HOUSING ECONOMIC INCENTIVE ORDINANCE

Scott Clem, Assistant County Administrator, presented the details of this item, stating that for qualified affordable housing units the County's general fund would pay for the roads, parks, law enforcement, fire/rescue and public buildings portions of the impact fees for those units: at a cost of \$4,468 per unit. The applicant would pay the school portion of the fees, or \$2,217. There would be a 20% (per fiscal year) cap on any one builder to qualify under this program. This would apply to single-family homes and townhouses. He addressed the budgeted amounts for this program.

(11:49 a.m.) Ed Paucek, 970 Irma Way, stated that it was ill advised to play social engineer.

(11:50 a.m.) Rosanne Orsini-Dees, 217 Carver St., St. Augustine/St. Johns County Board of Realtors, spoke against increased impact fees.

(11:54 a.m.) Robert Marshall, 318 Marsh Point Circle, Chairman of the Builders Assoc., spoke to the negative impacts of the recently increased impact fees.

(11:56 a.m.) Gerald Doyle, 305 2nd St., thanked the Board and Staff for helping to make affordable housing possible.

(11:58 a.m.) Clem and Tom Crawford, Director of Housing and Community Services, responded to questions from the Board regarding imposing liens, qualifying for the program, the SHIP housing program, already approved affordable housing units: Hunt spoke to implementing the ordinance. Stern suggested creating a workforce housing taskforce.

(12:11 p.m.) Maguire said there was concensus to do a workshop and to advertise a public hearing.

The meeting recessed at 12:50 p.m. and reconvened at 1:34 p.m. with Bryant, Stern, Stevenson, Rich, Adams, Isabelle Lopez, Senior Assistant County Attorney, and Terry Bulla, Deputy Clerk, present. Stevenson asked that Item 18 be moved forward on the agenda.

(06/28/05 - 14 - 1:34 p.m.)

9. DISCUSSION OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE BEACH FOR COLLECTION OF IMPACT FEES

Scott Clem, Assistant County Administrator, gave the presentation and reported that the City of St. Augustine Beach currently had an Interlocal Agreement with the County to collect impact fees and gave background on prior collections. He discussed the possibility of revenue sharing, which would allow St. Augustine Beach to retain a greater share of the impact fees, and would allow for more local control of those fees. The proposal was based on a percentage of the fee categories and would have to go toward capital improvements. He said the proposal, drafted primarily by Isabell Lopez, was crafted after an agreement in Martin County, and was for discussion purposes. He said it was to be presented to the Beach at their July 11 meeting.

(1:42 p.m.) Bryant stated that other government entities paid impact fees. He said the County had paid impact fees for St. Augustine Beach in the past to protect the integrity

of the impact fee ordinance, and suggested that be considered when developing the draft. (1:43 p.m.) Rich asked what model was used. Lopez said Martin County and Stewart were the models used. Rich noted that the situation here was similar to what they had experienced. He stated that the State was applying other pressures on the County to assume responsibility that had previously been undertaken by the State, and challenged the amount given back to the Beach for buildings.

(1:46 p.m.) *Board consensus was to forward the draft on to St. Augustine Beach.* Clem said a draft had been sent to the City Manager, and he would request that it be shared with the Commissioners, and ask for feedback at their July 11 meeting.

(06/28/05 - 15 - 5:10 p.m.)

10. CONSIDER MOTION TO APPROVE THE BEACH ACCESS IMPLEMENTATION PLAN

Dave Williams, Aquatics Superintendent, gave a PowerPoint presentation of the Beach Management Plan, which included: vehicular access, natural vegetation, unimproved footpaths, pedestrian walkovers, and un-approved encroachments. Discussion followed regarding encroachments. (5:25 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0 with Maguire absent, to approve the Beach Access Implementation Plan.**

(06/28/05 - 15 - 5:26 p.m.)

11. CONSIDER MOTION TO APPROVE THE 2005 FLORIDA SKIM BOARDING PRO/AM AT VILANO BEACH ON FRIDAY, AUGUST 19, 2005 THROUGH SUNDAY, AUGUST 21, 2005

Dave Williams, Aquatics Superintendent, explained the 2005 Florida Skim Boarding Pro/Am event. Discussion followed regarding security for the event. (5:28 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Maguire absent, to approve the 2005 Florida Skim Boarding Pro/Am event and that security (paid or volunteer) be provided to assure, or at least, limit the possibility of someone being injured by scaffolding or other equipment left on the beach overnight.**

(06/28/05 - 15 - 4:40 p.m.)

12. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH THE LOW BIDDER, THOMAS MAY CONSTRUCTION COMPANY, FOR BID NO. 05-106, CONSTRUCTION OF NEW FACILITIES MAINTENANCE BUILDING AND SHOP

Michael Rubin, Director of Construction Services, informed the Board that the No. 1 bidder did not provide a bid bond that complied with the County's specifications and the purchasing policy; therefore, their bid was disqualified. (4:41 p.m.) **Motion by Stevenson, seconded by Stern, carried 4/0 with Maguire absent, to authorize the County Administrator, or his designee, to enter into a contract with the low bidder, Thomas May Construction Company in the amount of \$1,910,000 and accept Alternate #1 - Canopy Types 2 & 3 in the amount of \$15,000,000 for a total lump sum contract of \$1,925,000.** (4:42 p.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Maguire absent, to approve the transfer of \$736,935 from General Fund Reserves (0083-59920) to Facilities Maintenance Department Buildings (0031-56200) to complete the Facilities Maintenance Building and Shop.**

(06/28/05 - 16 - 3:36 p.m.)

13. CONSIDER MOTION TO EXECUTE THE CORRIDOR MANAGEMENT COUNCIL AGREEMENT WITH MEMBERS OF THE WILLIAM BARTRAM SCENIC AND HISTORIC HIGHWAY CORRIDOR GROUP

Donna Godfrey, AICP, Senior Planner gave presentation and told of minor changes, which made the agreement stronger and more flexible and allowed for the County Administrator to sign the agreement. (3:38 p.m.) Stevenson asked if it was the same type of agreement as with the A1A Corridor. Godfrey said it served the same purpose under the FDOT Scenic Highways Program manual. She introduced Mary Cornwell and Ellen Whitmer, members of the Corridor Group. (3:40 p.m.) McCormack said he had received a phone call from Commissioner Sarah Bailey, regarding the Memorandum of Understanding, with a specific comment. She said there was a provision in the MOU stating that "if the County Administrator determines, after a noticed hearing, that one or more members are not complying with such laws, this MOU may be immediately rescinded and consideration given to form a new MOU." She recommended that might be too harsh a reaction, and she recommended language as follows, "this MOU be deemed to have been reformed, without the members in violation or consideration given to form a new MOU." It would not have the strict rule of canceling or voiding the MOU. (3:41 p.m.) Stevenson commended the group for their many hours of hard work.

(3:44 p.m.) **Motion by Stevenson, seconded by Rich, carried 4/0, with Maguire absent to authorize the County Administrator to execute the Corridor Management Council Memorandum of Understanding with members of the William Bartram Scenic and Historic Highway Corridor Group with the change in verbiage as recommended by Commissioner Sarah Bailey, to read as follows: "This MOU be deemed to have been reformed, without the members in violation or consideration given to form a new MOU."**

(06/28/05 - 16 - 4:42 p.m.)

14. PUBLIC HEARING - ELDER LIVING QUARTERS TEMPORARY ASSESSMENT ABEYANCE ORDINANCE - A RECENT FLORIDA CONSTITUTIONAL AMENDMENT AND LAW (ART. VII, SEC. 4(E), FLORIDA STATUTE 193.703, AND FLORIDA ADMINISTRATIVE CODE 12D-8.0068--COPIES ATTACHED) ALLOWS COUNTIES TO PROVIDE FOR SOME AD VALOREM TAX RELIEF TO FAMILIES CARING FOR ELDERLY RELATIVES IN THEIR HOMES. THIS IS A LOCAL OPTION, AND HAS BEEN ENACTED BY A NUMBER OF COUNTIES, INCLUDING NEIGHBORING DUVAL COUNTY. THE ORDINANCE TEMPORARILY LIMITS THE INCREASE IN ASSESSED VALUE OF HOME ADDITIONS FOR ELDERLY RELATIVES' LIVING QUARTERS. ON JUNE 1, 2005, THE BOARD HELD A WORKSHOP ON THE PROPOSED ORDINANCE AND DIRECTED THE COUNTY ATTORNEY'S OFFICE TO MAKE SOME MODIFICATIONS, AND NOTICE THE PROPOSED ORDINANCE FOR THE JUNE 28TH MEETING. THE COUNTY ATTORNEY'S OFFICE CONTACTED THE PROPERTY APPRAISER'S OFFICE TO REQUEST THEIR ATTENDANCE AT THE JUNE 28TH MEETING, IN ORDER TO BE AVAILABLE FOR QUESTIONS FROM THE BOARD AS TO SPECIFIC ENFORCEMENT OF THE PROPOSED ORDINANCE. THE PROPOSED ORDINANCE AUTHORIZES A TEMPORARY ABEYANCE IN THE INCREASE IN ASSESSED VALUE OF HOMESTEAD PROPERTY RESULTING FROM THE CONSTRUCTION OR RECONSTRUCTION OF THE PROPERTY FOR THE PURPOSE OF PROVIDING LIVING QUARTERS FOR ONE OR MORE NATURAL OR ADOPTIVE PARENTS OR GRANDPARENTS OF THE OWNERS OF THE PROPERTY, OR THE OWNER'S SPOUSE, IF AT LEAST ONE

OF THE PARENTS OR GRANDPARENTS FOR WHOM THE LIVING
QUARTERS ARE PROVIDED IS AT LEAST 62 YEARS OF AGE

Proof of publication of the notice of public hearing regarding enacting an ordinance for elder living quarters was received, having been published in *The St. Augustine Record* on June 7, 2005.

Isabelle Lopez, Senior Assistant County Attorney, gave a general overview of the proposed ordinance. (4:45 p.m.) Pamela Mann, Assistant Property Appraiser, explained the assessment reduction of new construction for elder living quarters (granny flats). Discussion followed on the enforcement of the ordinance, qualifications for temporary assessment abeyance, and repealing the ordinance. (5:01 p.m.) Robert Fitzgerald, 1954 Grove Bluff Circle West, Switzerland, expressed concerns with the enforcement of the ordinance. (5:09 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Maguire absent, to continue the public hearing to a date uncertain.**

(06/28/05 - 17 - 3:44 p.m.)

15. PUBLIC HEARING - SEYMOUR PROPERTY WAIVER REQUEST FOR BALD EAGLE NEST SJ-023 APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10. B, C AND D, OF THE LAND DEVELOPMENT CODE (LDC), HABITAT MANAGEMENT FOR THE BALD EAGLE, FOR NEST SJ-023, TO CONSTRUCT A DETACHED GARAGE ADJACENT TO AN EXISTING SINGLE FAMILY HOME IN THE PRIMARY ZONE OF BALD EAGLE NEST SJ-023 FOR A SINGLE LOT LOCATED AT 8220 FOREST COURT

Proof of publication of the notice of public hearing for Bald Eagle Nest SJ-023 was received, having been published in *The St. Augustine Record* on June 13, 2005.

Motion by Rich, seconded by Stern, carried 4/0, to approve the waiver to Section 4.01.10 B, C, & D providing the garage shall be constructed at a minimum of 620 feet from the nest tree and no exterior construction will take place during the nesting season which is from October 1st to May 15th.

(06/28/05 - 17 - 3:46 p.m.)

16. PUBLIC HEARING - NZVAR 05-001 BRIDLEBOURNE FARMS - THE APPLICANT DESIRES TO CONSTRUCT A HORSE FARM IN RURAL CR 305 ON THE EAST SIDE BETWEEN CR 207 AND CR 206 NEAR HASTINGS. THE APPLICANT HEREBY REQUESTS THAT A NON-ZONING VARIANCE TO SECTION 6.04.07.H.1 AND SECTION 4.01.05.F.1.A OF THE LAND DEVELOPMENT CODE TO WAIVE THE REQUIREMENT FOR CONSTRUCTION OF A SIDEWALK ALONG APPROXIMATELY FOUR HUNDRED THIRTY FIVE (435) FEET ON CR 305 AND TO WAIVE THE REQUIREMENT FOR INSTALLING TREES AT TWENTY-FIVE (25) TREE CREDITS PER ACRE

Proof of publication of the notice of public hearing for NZVAR 2005-001, Bridlebourne Farms, was received, having been published in *The St. Augustine Record* on May 25, 2005.

Jay Kamys, Development Services, Urban Forestry Manager, gave the presentation. He addressed the 25 tree credits per acre issue, and reviewed the available space and the current landscaping proposal. He said the applicant's request stated it would be difficult to plant 25 trees in the perimeter area, but that 59% of the tree credit could be met. He showed other tree planting scenarios in that area where horses and trees were separated, but the proposed use of the property was still maintained. He suggested the

request to waive the 25-tree credit be denied based on the fact that there was available space and they could still meet the land development code requirements. (3:52 p.m.) Stern asked about the tree credit requirements. Kamys said that any new project area or any development, whether residential or commercial, was required to have a minimum of 25 tree credits per acre. He said that in this case they were looking at less than 10 acres of development as opposed to the total 70 acres. Stern said she favored the last proposal with 59% of the required tree credits.

(3:55 p.m.) Chuck Kohler, Development Review Chief Engineer, said sidewalks were required on roads classified as major or minor collectors, but there was provision to waive those with a contribution to the sidewalk fund. He said it was doubtful whether there was adequate right of way to construct the sidewalk. He said the sidewalk fund was \$15 a linear foot when they submitted their request, but it is now \$34 per linear foot and they would go with the lower figure based on the date of their application. He said the sidewalk requirement would be for 947 feet. (3:56 p.m.) Stern clarified that they did not have sidewalks on SR 207, and confirmed that there were ditches in the area, which served as irrigation for the potato farms.

(3:57 p.m.) Karen Taylor, 3070 Harbor Drive, gave background for her client, and said it had been a 70-acre potato farm. She said the applicant was building a horse farm for breeding horses as agricultural exempt property. She said they wanted to board a minimal number of horses, and in doing so, it went from an agricultural use to a commercial use and everything changed. She said a large portion of the property was to remain in pasture. She said they had met the code requirements for the commercial area except for the sidewalks and the trees. (4:06 p.m.) Paula Quinn, 333 Royal Caribbean Court, was the applicant and said they qualified for agricultural exemption even with the boarding program. She emphasized that they were maintaining the agricultural nature of the area. She said they had tried to comply with the restrictions and had spent a lot of money in order to do so. She asked them to take that into consideration with their decision. (4:08 p.m.) Stern said the issue of being caught between Agricultural and Commercial was something the Board and Development Services might want to look at, since presently they only had one category or the other. (4:10 p.m.) Stevenson asked if the zoning changed as a result of the dual categorization. Quinn said the special use was allowed under the existing Open Rural zoning, and the ancillary commercial did not disqualify them.

(4:13 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Terry Bulla left the meeting.

Discussion followed regarding sidewalks and tree credits. (4:17 p.m.) James Quinn, 333 Royal Caribbean Court, addressed the tree credits. (4:22 p.m.) Stevenson declared ex-parte communication; she spoke with Ms. Quinn regarding the variance. Discussion continued on the sidewalks and the tree credits. (4:35 p.m.) **Motion by Stern, seconded by Stevenson, carried with Maguire absent, to approve NZVAR 2005-001, based upon the evidence provided for all five Findings of Fact; and to come up with some additional tree credits.** Discussion followed regarding additional tree credits. (4:39 p.m.) **The motion carried 4/0 with Maguire absent.**

17. PUBLIC HEARING - MDP 2004-41 SANDY RIDGE SOUTH-NOCATEE (NOCATEE PUD/DRI)

Proof of publication of the notice of public hearing for MDP 2004-41, Sandy Ridge South, was received, having been published in *The St. Augustine Record* on June 13, 2005.

This agenda item was rescheduled to July 12, 2005.

(06/28/05 - 19 - 2:00 p.m.)

18. PUBLIC HEARING - PLNAPPL 2005-01 EVENTIDE/GOLDEN POND SUBDIVISION - APPEAL OF VESTING DETERMINATION DENYING DIVISION OF LOT 6 WITHIN THE GOLDEN POND SUBDIVISION- ON APRIL 13, 2005, STAFF DENIED THE VESTING REQUEST MADE BY MR. JAMES BARKER TO ALLOW DIVISION OF LOT 6 OF THE GOLDEN POND SUBDIVISION. MR. BARKER IS APPEALING THE VESTING DETERMINATION. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-A ON THE FUTURE LAND USE MAP AND ZONED RS-2. RESIDENTIAL-A REQUIRES A MINIMUM OF ONE UNIT PER ACRE. LOT 6 CONTAINS 1.6 ACRES

Proof of publication of the notice of public hearing on PLNAPPL 2005-01, Eventide, was received, having been published in *The St. Augustine Record* on June 13, 2005.

Hunt joined the meeting and Lopez left the meeting.

Stevenson said she had received a petition from the community supporting the request. Teresa Bishop, AICP Planning Director, gave the presentation, and James Barker was the appellant. (2:02 p.m.) Bosanko gave the background on how the vesting program worked because of litigation. He cautioned that it was a risky, high cost problem, and it was basically a request not to comply with the current law. He said it was clear that this case did not qualify for vesting. He said the vesting request was based on the purchase of adjoining property to their home in the mid 1980's and it was platted into one lot, but they thought it was two lots, since the developer said it could be recorded as two lots in the future and it would be included in the deed restrictions. He said since 1990 new laws had been instituted, by mandate of the State, to restrict density in that area. Bosanko said simply owning the land or paying taxes did not establish vesting. He suggested that they could ask for an amendment to the Comprehensive Plan via a small-scale amendment. He cautioned that the Board could be, and had been sued for not adhering to the law. (2:20 p.m.) Bryant asked with RS 2 zoning how many units would be permitted. Bishop said they could get approximately 3 units. Bryant said that would be his argument for the case. Bosanko said the RS 2 argument was troubling; that if the property was not brought into compliance with the Comprehensive Plan within the required 18 months deadline, then the County could not hold people to that standard. He said if they applied that reasoning, they would set a precedent and it would have to be applied consistently, and would affect many people and businesses. (2:23 p.m.) McCormack joined the meeting, and Bosanko said McCormack had just reminded him that they were in current litigation with another case regarding whether they had to comply with the comprehensive plan, whether the zoning was in compliance or not. (2:26 p.m.) Bishop said there was a change in the way the Comprehensive Plan was interpreted. In 2000 it was made clear in the Policy that if there was inconsistent zoning the use had to be within that designation. (2:27 p.m.) Stevenson expressed frustration, and asked that the applicant be allowed to speak because what happened had defied common sense. She said there was a hardship involved for the family. (2:30 p.m.) Bryant said he was looking for a way to help them without setting a precedent. (2:34 p.m.) Bosanko cautioned them to be very careful, as their decision could be used against them in the current lawsuit. (2:39 p.m.) Rich asked where the real objection would come from.

(2:40 p.m.) John Curtain, 440 Golden Pond Rd., stated that he lived adjacent to the applicant's property, which was unique. He provided details on how the lot was laid out within the Golden Pond subdivision, and asked if an exception could be filed. Bosanko said it could not legally be granted without violating State law. He clarified that the Board could not grant an exception to the Comp Plan. (2:45 p.m.) Bishop said

lot 6 was part of Golden Pond Subdivision, but the additional two lots were a part of the Eventide Subdivision. Curtain said the history was important, and he was there when Barker purchased lot 6 and he purchase lot 7. He said the closing went on for two days, and there was a good deal of horse-trading that went on between the seller, Mr. Dabcheck, Mr. Winestock, and himself, and the original lines were changed considerably. He said the plat went to the County to be changed at the closing, something that couldn't happen today, and the right to subdivide was listed in the covenants and restrictions of the Subdivision. He said what Baker was trying to do that day was exactly what was agreed to at that closing. (2:52 p.m.) Curtain said Barker had honestly looked at the property as two separate lots. He said it was in the best interest of the subdivision to have another house on the additional lot since Barker believed he had the right to do so since the date of the closing. Rich questioned where the map they were referring to came from. Curtain said the map was an old one that they went with to closing, and was the original drawing. (2:57 p.m.) Bosanko said it would make an excellent argument for a small-scale Comp Plan amendment, which would make the property match the other lots in the neighborhood. (3:00 p.m.) Stevenson asked if the map or the covenants had been filed with the County and whether it mattered. Curtain said they were part of his closing documents, and the covenants and restrictions were attached. Bosanko said his job was to try to keep the County out of trouble, and asked Bishop how long it would take to get a small-scale amendment for the lot. Bishop responded about four months.

(3:03 p.m.) James M. Barker, IV, 2134 Eventide Rd., Jacksonville, said he was asking they reverse the recent action by the Planning Department. He said there had been errors on the part of the Planning Department, which were listed when he filed the appeal. He summarized those errors as presented in the appeal, and said the map they were seeing was the first one ever presented to him. He said he agreed to buy lots 6 & 7 from Ron Dabcheck, and he had a letter from him dated August 1, 1983 addressing the right to subdivide. He said the letter resulted from a misunderstanding in the original agreement in which Dabcheck had erroneously filed the property as one plat, and rather than go to the expense of re-filing, and because he was in failing health, he gave Barker the letter. He stated that for seven years he had the right to subdivide, but with the adoption of the 1990 plan, the County usurped his rights, and he had not known it was happening. He asked them to reconsider and allow them to subdivide lot 6, which was the original intent. (3:10 p.m.) Jessie Rowe, 11016 Citron Court, Mandarin, said the time frame was an issue because of family illness, as his wife had a brain aneurism, and they needed to move close to their family members so they could help in caretaking. He explained that his wife was the sister of Curtain's wife. (3:12 p.m.) Bosanko said he was trying to look out for the County, and the safest way was to change the Comp Plan. He said vesting was not granted, as they either had a right to it or not. (3:15 p.m.) Stevenson asked if it could be done contractually. She said it was a personal matter and it could be a way for them to go forward. (3:15 p.m.) Bryant asked how long it would take for a Comp Plan change. (3:16 p.m.) Bishop said that 4 months was the outside length of time, and they could possibly make it a bit shorter. She said they would make it a priority to get the advertising done as fast as possible, and to get the PZA hearing scheduled as quickly as possible. (3:19 p.m.) Bosanko advised they consult with a private real estate lawyer to help them work through the process legally. (3:21 p.m.) Bryant suggested they should go with the Comp Plan amendment as soon as possible. He said if the State would not approve the request, he would be willing to try to accommodate them based on the testimony they had presented.

(3:23 p.m.) Robert Fitzgerald, 1954 Grove Bluff Circle West, Switzerland, reminded them they would be having a PUD rezoning request within ½ mile of that property.

(3:24 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd., Fruitcove, said she was totally opposed to what they were trying to do. She said it was too much bending over backwards and totally improper. She said it amounted to contract land planning and spot comprehensive land planning.

(3:26 p.m.) **Motion by Bryant, second by Stern, carried 4/0 with Maguire absent, to continue the item.**

The meeting recessed at 3:27 p.m. and reconvened at 3:34 p.m.

(06/28/05 - 21 - 1:48 p.m.)

19. CONSIDERATION TO OFFER ECONOMIC DEVELOPMENT INCENTIVES TO DITECH TESTING

Karen Johnson, Intergovernmental Relations Specialist, gave the presentation and she introduced Lynn Wood and Danny LeBlanc, Ditech representatives. She said they were looking at buying an existing building of approximately 60,000 square feet and would have 40 employees with an average wage rate of \$40,000. (1:50 p.m.) Lynn Wood, Vice President of Ditech, a hydro company, thanked the Board for the opportunity. Bryant asked him to distinguish between management and hourly worker salary averages. Wood stated the average hourly wage was about \$35,000 to \$40,000 a year. He said they would hire locally and there would be a primary administrative center here. Wood said the incentives were a strong influence on their decision to move to St. Johns County.

(1:58 p.m.) **Motion by Stern, seconded by Bryant, carried 4/0, with Maguire absent, to adopt the attached incentive calculation of \$14,970, and to instruct the attorney's office to prepare an agreement.**

(06/28/05 - 21 - 1:59 p.m.)

20. CONSIDER A MOTION TO ADOPT A RESOLUTION TO SUPPORT DITECH TESTING'S APPLICATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM AND THE INTENT TO COMMIT THE COUNTY TO PAY UP TO \$24,000 AS LOCAL FINANCIAL SUPPORT

Karen Johnson, Intergovernmental Relations Specialist, gave the presentation.

(2:00 p.m.) **Motion by Stern, seconded by Bryant, carried 4/0 with Maguire absent, to adopt Resolution 2005-176 to support Ditech Testing's application for the Qualified Target Industry Tax Refund Program and the intent to commit the County to pay up to \$24,000 as local financial support.**

RESOLUTION NO. 2005-176

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT DITECH TESTING BE APPROVED AS A QUALIFIED APPLICANT, PURSUANT TO § 288.106, FLORIDA STATUTES; AND PROVIDING AN APPROPRIATION OF \$24,000.00 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

(06/28/05 - 22 - 5:29 p.m.)

21. CONSIDER MOTION TO DESIGNATE ONE OF THE PRESENTED PROJECTS AS ST. JOHNS COUNTY'S CANDIDATE FOR FDOT SCOP FUNDING WITH THE COUNTY PROVIDING THE REQUIRED 25% MATCH AND AUTHORIZE COUNTY STAFF TO SUBMIT THE DESIGNATED PROJECT TO THE FDOT SCOP FOR CONSIDERATION

Joe Stephenson, Public Works Director, informed the Board that the County had been approved for a grant to be used to widen and resurface CR 13 and CR 204 from US 1 to Hastings in the Flagler Estates area. This project would not be available for funding until after July 1st. Stephenson explained the two projects that were available for funding under the Small County Outreach Program: 1) CR A1A, from Pope Road to approximately Santander Street; to pave the shoulders/bicycle lanes; and 2) CR 13, from SR 16 to CR 214, to pave the shoulders/bicycle lanes, widen lanes, extend cross drains, and install guardrails. Discussion followed on the two projects. (5:36 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Maguire absent, to designate SCOP Project #1 as St. Johns County's candidate for FDOT SCOP funding with the County providing the required 25% match. The motion will authorize County staff to submit the designated project to the FDOT SCOP for consideration.**

(06/28/05 - 22 - 3:35 p.m.)

22. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING EXECUTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. AUGUSTINE BEACH AND ST. JOHNS COUNTY TO PARTNER RESOURCES TO ACQUIRE 6.11 ACRES AT 953 A1A BEACH BOULEVARD FOR A PARK

Motion by Rich, seconded by Stern, carried 4/0 with Maguire absent, to adopt Resolution No. 2005-177 approving the terms and to authorize execution of the Memorandum of Understanding between the City of St. Augustine Beach and St. Johns County to partner resources to acquire 6.11 acres at 953 A1A Beach Boulevard for a park.

RESOLUTION NO. 2005-177

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. AUGUSTINE BEACH AND ST. JOHNS COUNTY TO PARTNER RESOURCES TO ACQUIRE 6.11 ACRES OF PROPERTY AT 953 A1A BEACH BOULEVARD FOR A PARK

(06/28/05 - 22 - 5:38 p.m.)

23. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR ST. JOHNS FOREST, UNIT TWO (*Previously Consent Agenda Item #13*)

Kathy Nielsen, Applications Review Coordinator, requested this item be rescheduled because the title opinion issue had not been resolved. (5:38 p.m.) *It was the consensus of the Board to pull this item.*

(06/28/05 - 22 - 5:38 p.m.)

24. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR PONTE VEDRA BY THE SEA REPLAT, UNIT TWO, LOT 12, BLOCK 3 (*Previously Consent 14*)

Kathy Nielsen, Applications Review Coordinator, explained that the title opinion issue had been resolved. (5:38 p.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Maguire absent, to adopt Resolution No. 2005-178, approving a final plat for Ponte Vedra By The Sea Replat, Unit Two, Lot 12, Block 3.**

RESOLUTION NO. 2005-178

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR PONTE VEDRA BY THE SEA REPLAT, UNIT TWO, LOT 12, BLOCK 3

(06/28/05 - 23 - 5:39 p.m.)

25. HELOW PROPERTIES

Bosanko explained that this action was in response to the closed-door meeting. (5:40 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0 with Maguire absent, to instruct the County Attorney to pursue possible settlement options with the Department of Community Affairs, in conjunction with the owner, and schedule a follow-up shade meeting at a future date, if necessary, in order to discuss settlement options and the cost of litigation related to the lawsuit, Department of Community Affairs vs. St. Johns County, DOAH Case No. 05-1787 GM.**

(06/28/05 - 23 - 5:40 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stern:

Stern reported on the beach renourishment ground breaking on Monday, June 27, 2005; reported that the Governor signed into law the growth management legislation; reported that Governor Bush appointed a new FDOT Secretary, Denver Stutler; and requested a special meeting be scheduled to address the river crossing.

(5:43 p.m.)

Commissioner Stevenson:

Stevenson also requested a meeting date be set to discuss the river crossing.

(5:44 p.m.)

Commissioner Rich:

Rich suggested they receive their agenda books ten days prior to the hearing date. Discussion followed regarding the agenda preparation process. (5:50 p.m.) Melissa Lundquist, Administrative Coordinator, addressed the river crossing issue being removed from the agenda; then, explained the agenda process.

(5:58 p.m.)

Commissioner Bryant:

Bryant reported on the fundraiser he and Maguire attended sponsored by the Council on Aging on Monday, June 27, 2005.

(06/28/05 - 23 - 5:59 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced some possible dates for the meeting on the river crossing issue: July 19, 2005; July 20, 2005; July 27, 2005; August 2, 2005; and August 3, 2005. (6:05 p.m.) Subsequently, the Board continued discussion on the dates. *It was the consensus of the*

Board for the County Administrator to place all the possible dates in each Commissioner's box and have them respond with their top three dates.

(06/28/05 - 24 - 6:00 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko led a discussion regarding an audit of the landfill operations and the RFP bidding process. (6:03 p.m.) Motion by Bryant, seconded by Stern, to direct the County Attorney and the County Administrator to apply to the Auditor General's Office to have an operations audit for the landfill and the purchasing policy. Discussion followed on having a cost of the audit prior to it being conducted. (6:05 p.m.) The motion carried 4/0 with Maguire absent.

(06/28/05 - 24 - 6:06 p.m.)
CLERK OF COURT'S REPORT

No report.

(6:06 p.m.) Adams reported on the Veteran's Affairs Summit last Wednesday, June 22, 2005; said several hundred veterans were in attendance for the day. Adams said it was another very successful summit.

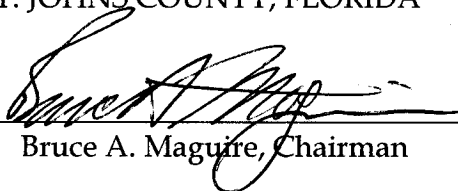
(6:07 p.m.) Motion by Stern, seconded by Rich, carried 4/0 with Maguire absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:07 p.m.

REPORTS:

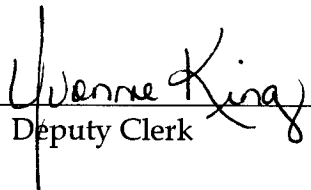
2. Heritage Landing CDD proposed budget for Fiscal Year 2005-2006
3. St. Johns County Board of County Commissioners' Check Register, check nos. 368796 through 368820, totaling \$37,691.06 (06/09/05)
4. St. Johns County Board of County Commissioners' Check Register, check nos. 368821 through 369347, totaling \$9,393,533.61 (06/14/05)
4. St. Johns County Board of County Commissioners' Check Register, check nos. 369348 through 369350, totaling \$19,719.67 (06/17/05)

Approved August 23, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

